

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO: 7:10-cr-00075-D**

**UNITED STATES OF AMERICA**

**v.**

**DESMON TERRILL BARNHILL, and  
LEWELLYN TERRELL VAUGHT.**

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**ORDER**

THIS CAUSE comes before the Court on defendants' Joint Motion for Independent Lab Examination (the "Joint Motion"). The Joint Motion was filed by counsel for Defendant Lewellyn Vaught, with the express consent of counsel for Defendant Barnhill who joins in the motion, on or about 18 November 2010.

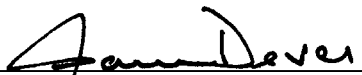
Defendants' Joint Motion seeks an order from this Honorable Court authorizing evidence, specifically two quantities of alleged crack cocaine, to be transported and submitted to an independent lab for analysis. For the reasons set forth in the Joint Motion, the Court hereby GRANTS the Joint Motion and further ORDERS:

1. The government is ordered to coordinate submission of the alleged crack cocaine samples, alleged in the above captioned matter to stem from the offense dates of **21 September 2009 (approximately 82 grams) and 1 October 2009 (approximately 34.7 grams)**, to NMS Labs for testing as to the quality of these two quantities.
2. NMS Labs is located in Willow Grove, Pennsylvania, and is hereby authorized to conduct the necessary testing.
3. The government is ordered to coordinate in good faith with counsel for defendants and NMS Labs the testing so that it occurs in a timely manner.

4. The defendants Vaught and Barnhill, by way of their Joint Motion, both have expressly waived any chain of custody issues at trial pertaining to these two aforementioned quantities of alleged contraband.

Having considered the Joint Motion and pertinent parts of the record, it is hereby ORDERED AND ADJUDGED that defendants' Joint Motion for Independent Lab Examination by NMS Labs is GRANTED .

DONE AND ORDERED this 22 day of December, 2010.

  
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THE HONORABLE JAMES C. DEVER III  
UNITED STATES DISTRICT JUDGE